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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re Q.D., a Person Coming Under  
the Juvenile Court Law.

B292774

(Los Angeles County  
Super. Ct. No. 17CCJP00151)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff,

v.

L.W.,

Defendant and Appellant.

Q.D.,

Respondent.

APPEAL from orders of the Superior Court of Los Angeles County, Kristen Byrdsong, Commissioner. Dismissed.

Patricia Saucier, under appointment by the Court of Appeal, for Defendant and Appellant L.W.

Lori Siegel, under appointment by the Court of Appeal, for Minor Respondent Q.D.

No appearance for Plaintiff Department of Children and Family Services.

L.W. (Mother) appeals from the juvenile court's order continuing its jurisdiction over her son Q.D. (born in 2014) at the September 18, 2018 Welfare and Institutions Code section 364<sup>1</sup> review hearing. On appeal, Mother contends there was insufficient evidence to support the juvenile court's order. After Mother filed this appeal, however, the juvenile court terminated its jurisdiction over Q.D. with a custody order returning him to her custody. The juvenile court's subsequent order renders the appeal moot and, therefore, we dismiss it.

### **FACTUAL AND PROCEDURAL HISTORY**

In September 2017, three-year-old Q.D. came to the attention of the Department of Children and Family Services (DCFS) when it received a referral that Mother had a violent altercation with the maternal aunt, while Mother was under the influence of drugs and holding Q.D. in her arms. DCFS filed a petition alleging Q.D. was subject to court jurisdiction under section 300, based on the altercation, Mother's current and prior use of methamphetamines,<sup>2</sup> and Q.D.'s father's failure to protect the child.<sup>3</sup>

On September 11, 2017, the juvenile court detained Q.D. and ordered Mother to drug test and to have monitored visits with the child. In early January 2018, the court sustained the petition. Mother regularly visited the child, and tested "clean" for drugs and moved into a sober living facility. Thereafter, in February 2018, at

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<sup>1</sup> All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

<sup>2</sup> In early 2017, the Riverside County Child Protective Services substantiated an allegation of general neglect based on Mother's methamphetamine use and missed drug tests.

<sup>3</sup> Q.D.'s father was incarcerated at the time the petition was filed and is not a party to this appeal.

the disposition hearing, the court declared Q.D. a dependent of the juvenile court, but ordered the child to be placed with Mother on the condition that she continue to test clean for drugs, that she reside in DCFS approved housing and that she comply with the case plan that required her to participate in a drug and alcohol treatment program, counseling, and classes.

At the section 364 review hearing in September 2018, Mother requested that the court terminate its jurisdiction and return Q.D. to her custody. DCFS supported Mother's request based on Mother's compliance with the case plan, and drug treatment, and its approval of Mother's housing in a sober living home. Q.D.'s counsel, however, asked the court to continue jurisdiction, arguing that Mother's housing was not stable. The juvenile court found conditions still existed which justified continued jurisdiction, scheduled a review hearing in December 2018, and ordered DCFS to continue providing services to Mother and to assist Mother in transitioning to appropriate housing.

Mother filed a timely notice of appeal. On December 24, 2018, the dependency court terminated its jurisdiction over Q.D. and ordered him returned to Mother's custody.<sup>4</sup>

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<sup>4</sup> On January 29, 2019, we granted Q.D.'s request to take judicial notice of the orders terminating dependency jurisdiction and returning Q.D. to Mother's custody. (Evid. Code, §§ 452, subd. (d) & 459.)

## DISCUSSION

“As a general rule, an order terminating juvenile court jurisdiction renders an appeal from a previous order in the dependency proceedings moot. [Citation.] However, dismissal for mootness in such circumstances is not automatic, but ‘must be decided on a case-by-case basis.’” (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488.) The appellate court may find that the appeal is not moot “‘if the purported error is of such magnitude as to infect the outcome of [subsequent proceedings] or where the alleged defect undermines the juvenile court’s initial jurisdictional finding.’” (*In re Joshua C.* (1994) 24 Cal.App.4th 1544, 1547, italics omitted, quoting *In re Kristin B.* (1986) 187 Cal.App.3d 596, 605.)

In her opening brief, Mother argues that the juvenile court erred in continuing jurisdiction over Q.D. because the evidence was insufficient to support the order. The court’s subsequent order, however, terminating dependency jurisdiction over Q.D. and returning him to Mother’s custody renders her appeal moot.

Mother has not asserted any exception to the mootness doctrine.<sup>5</sup> In addition, on this record, we do not perceive of any defect undermining the exercise of jurisdiction, other extraordinary circumstances, or unfair or severe future consequences that require us to decide the moot issue. Therefore, we decline to exercise our discretion to review the merits of the appeal.

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<sup>5</sup> In lieu of a reply brief, Mother filed a letter indicating that she did not oppose Q.D.’s request to take judicial notice of the orders terminating dependency jurisdiction and returning Q.D. to Mother’s custody.

**DISPOSITION**

The appeal is dismissed.

NOT TO BE PUBLISHED.

ROTHSCHILD, P. J.

We concur.

JOHNSON, J.

BENDIX, J.